

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

November 19, 2015



Planning Variance case no. PV 15-16: Cruz Auila

CASE DESCRIPTION: a 3.5-foot variance from the minimum 7.5-foot side building setback generally required on residential lots to allow the proposed construction of an addition to the existing residential structure that is planned to extend within 4 feet from the northeast side property line

LOCATION: 112 Edge Street, adjoining the north side of Edge Street between S. College and Cavitt Avenues

LEGAL DESCRIPTION: Lot 7 in Block 1 of the Dellwood Park Subdivision

ZONING: Mixed Use District (MU-2)

EXISTING LAND USE: single-family home

PROPERTY OWNER: Cruz Auila

APPLICANT: same as owner

STAFF CONTACT: Matthew Hilgemeier, AICP, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested variance.



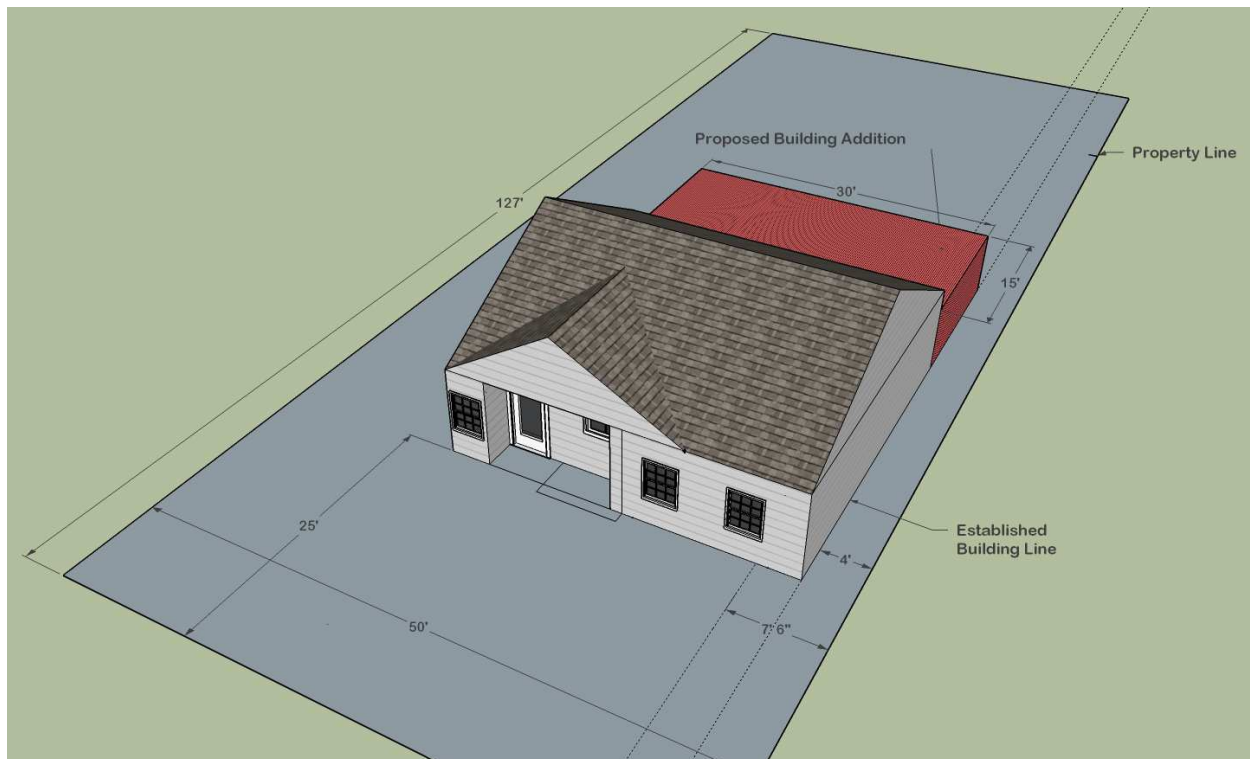
BACKGROUND:

The applicant/property owner, Cruz Auila, is requesting a 3.5-foot variance to the 7.5-foot side setback requirement for the property located at 112 Edge Street, in order to be allowed to construct an addition to the existing single-family home on the property. The proposed addition would be located 4-feet from the subject property's northeast (side) property line.

The subject property is adjoins the north side of Edge Street between S. College and Cavitt Avenues, is currently zoned Mixed Use District (MU-2), and has been such since the City of Bryan adopted zoning regulations in 1989. The subject property is occupied by a single-family home that was built in 1950 and is located approximately 4 feet from the subject property's northeast (side) property line. Since March 10, 1998, the City of Bryan requires minimum 7.5-foot side building setbacks in most zoning districts.

Mr. Auila wishes construct a 15-foot by 30-foot (450 square foot) addition to the rear of his home, to accommodate his growing family. The proposed addition would align with the existing single-family home so that edge of the addition is in line with the edge of the existing residential structure, 4 feet from the subject property's northeastern (side) property line.

PROPOSED STRUCTURE WITH EXISTING SETBACKS



ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

As stated above, the applicant wishes to place the 450 square foot addition to the existing residential structure so that the edge of the addition is in line with the established edge of the residential structure which was built in 1950. Staff contends that, in this particular case, granting the proposed encroachment of 3.5 feet into the 7.5-foot side setback would not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area. An existing single-family home on the property that has never complied with minimum setback standards has occupied the subject property for more than 65 years.

Staff believes that the impact of approving the requested variance, in this particular case, and adding 15 feet of building mass 3.5 feet closer to the northeastern side property line than what the Land and Site Development Ordinance allows, will be negligible and not detrimental to properties or improvements in this older Bryan neighborhood.

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

Staff contends that granting the requested variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property for the reasons described above.

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

Staff generally encourages property improvements in older neighborhoods of Bryan. Staff believes that the hardships and difficulties upon the owner to comply with the ordinance at this time would be greater than the benefits derived by the public by literal enforcement of setback requirements, in this particular case.

RECOMMENDATION:

Staff recommends **approving** the requested variance.

ATTACHMENTS:

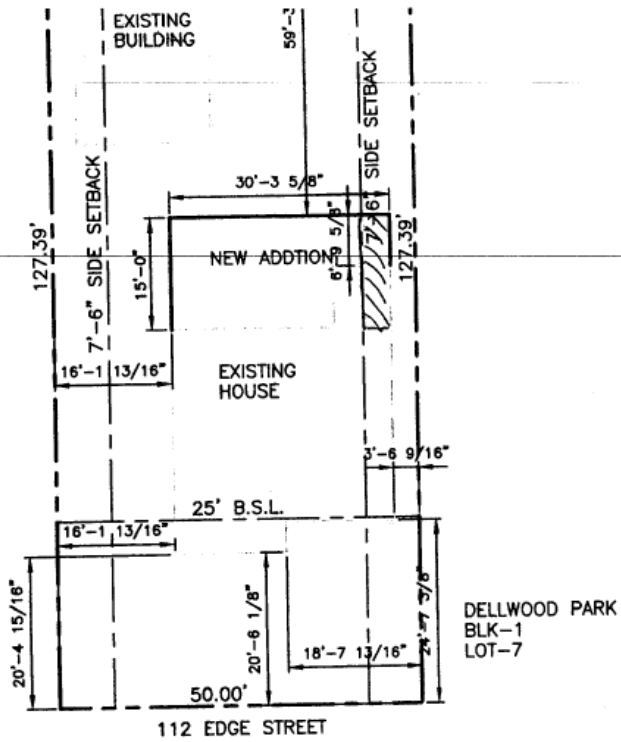
Exhibit 1 – Site Drawing

Exhibit 2 – Supplement B submitted by applicant

Exhibit 3 – Letter of support from neighboring property owner (with translation)

EXHIBIT 1

NOV 04 2015
RECEIVED



SITE PLAN
SCALE: 1"=20'-0"

EXHIBIT 2

Setback Variance Request

1. Please describe the type of variance being requested:

We are requesting a side setback variance of 3 1/2' along 15' of our eastern boundary to allow the construction of a 15'x30' addition on the back of our existing home. Our home has less than 1056 square feet to accommodate 2 adults and 2 children. The proposed addition is designed to follow the existing architectural lines of our home. Our neighbors to the east are aware of this request and have no objections to the requested variance. (*see attached letter*). Strict enforcement of the setback variance in this case would either reduce the proposed addition by 60 square feet or would destroy the geometric integrity of the existing structure by altering the roof and side lines by 4' thereby making any addition haphazard and obvious. The public interest would be best served by uniform additions conforming to the existing architecture of the home. Such would be consistent with the spirit and intent of the current zoning standards.

2. State how the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties in the area:

Our property is not designated as being in the flood plain according to the current FEMA map on the city website. The granting of a variance will have no detrimental impact on the public health as there is no material increase in occupancy, will have no impact on public safety or welfare, and if anything, would be advantageous to the many similarly situated properties in the area with pre-zoning setback violations by encouraging home improvement and increasing property values.

3. State how the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties directly abutting the subject property:

Our neighbors have embraced the proposed variance. The granting of the requested variance will have no material effect on the public health, safety or welfare of our neighbors to the East. The only measurable impact would be increased water runoff from the 15' of additional roof area which can be managed through guttering.

4. State how the hardships and difficulties imposed upon the owner are greater than the benefits to be derived by the general public through compliance with the requirements of the ordinance:

Our lot measures approximately 125'x 50'. Strict compliance with the requirements of the ordinance would effectively negate vehicle access along the side of our house and parking in the rear of our lot where we currently have a carport. Such would require parking on the street. Lastly, requiring a setback of 15', for a 50' lot would result in a 30% limitation on use and enjoyment of the property. No benefit would be derived by the general public in this case by forcing street parking and rendering 30% of the lot unusable due to the existing structure. If anything, granting the variance will increase property value and aesthetics.

EXHIBIT 3

A quien corresponda:

11-2-2015

Yo Efrain Reyes y Elsa Hernandez
dueños de la propiedad situada en
200 Edge st, Bryan Tx 77801,
queremos hacer saber por medio de
la presente que estamos de comun
acuerdo en que se lleven a cabo las
remodelaciones necesarias en la
propiedad de alado situada en el
112 Edge st. Bryan Tx 77801.

Elsa Hernandez
Efrain Reyes.

Translated 11/10/2015

To whom it may concern,

I Efrain Reyes and Elsa Hernandez owners of the property located on 200 Edge St., Bryan, TX 77801 would like to let you know (inform you) through this that we are in mutual agreement on carrying out (that it be allowed) remodeling (renovations) necessary on the property beside located on 112 Edge St. , Bryan, TX 77801.